

# Commercial Customs Operations Advisory Committee (COAC)

## Government Issue Paper: Forced Labor

June 2022



U.S. Customs and  
Border Protection

Trade Remedy Law Enforcement Directorate/Office of Trade  
Forced Labor  
June 2022

**Action Required:** Informational

**Background:**

- On December 23, 2021, the President signed the Uyghur Forced Labor Prevention Act (UFLPA) into law. The Department of Homeland Security (DHS) chairs the Forced Labor Enforcement Task Force (FLETF) and maintains oversight over the UFLPA provisions specific to the Department, its component agencies, and the FLETF. U.S. Customs and Border Protection (CBP) worked with DHS to implement the UFLPA.
- The FLETF completed the following requirements of the UFLPA:
  - On January 24, 2022, the FLETF published a Federal Register Notice seeking public comments on methods to ensure that goods made using forced labor in China are not imported into the United States. The FRN received 8,209 views and 180 comments.
  - On April 8, 2022, the FLETF held a public hearing at which sixty individuals provided public testimony representing themselves, associations, or businesses. Over 730 additional external participants registered to listen in as well as over two hundred federal employees.
  - The FLETF submitted a Strategy to Congress, which was due June 21, 2022, to support enforcement of 19 U.S.C. 1307 to prevent importation of goods made wholly or in part by forced labor in China. Among other things, the FLETF Strategy includes a List of Entities connected to government labor transfer schemes and guidance for importers on due diligence, supply chain tracing and management, and evidentiary requirements.
- The UFLPA requires CBP to apply a rebuttable presumption that all goods produced wholly or in part in China's Xinjiang Uyghur Autonomous Region or by entities on the FLETF's List of Entities are produced by forced labor and prohibited entry to the United States under 19 U.S.C. 1307. The presumption applies to goods imported on or after June 21, 2022.
- CBP may grant an exception to the presumption if the agency determines the importer complied with the importer guidance in the FLETF Strategy, responded to all CBP requests for information, and clear and evidence demonstrates the goods were not produced wholly or in part by forced labor.
- Within 30 days of granting an exception, CBP must report to Congress and make publicly available information on the good and the evidence considered.
- In May, CBP issued letters to importers identified as having previously imported merchandise that may be subject to the UFLPA to encourage those importers to address any forced labor issues in their supply chains in a timely manner.
- If an importer did not receive a letter from CBP, this does not mean that its supply chain is free of forced labor. All importers should review their supply chains thoroughly and institute reliable measures to ensure they do not import goods produced wholly or in part with convict labor, forced labor, and/or indentured labor (including forced or indentured child labor).
- CBP published operational guidance for importers regarding the rebuttable presumption on [cbp.gov](https://www.cbp.gov). This guidance complements the importer guidance in the FLETF Strategy. Importers requesting an exception and submitting information to rebut the presumption must demonstrate that they have complied with the importer guidance in the FLETF Strategy.
- CBP held educational webinars for importers and other external stakeholders on the UFLPA on June 1, 7, and 16.

**Issue:**

**FOR FURTHER QUESTIONS**

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- The timeline for implementation of the rebuttable presumption has limited CBP's ability to request and the COAC's ability to provide recommendations regarding CBP's operational guidance on the rebuttable presumption. In mid-April, CBP requested feedback from the COAC on the initial draft of its operational guidance for importers and received informal feedback in late April. In mid-May, CBP requested and received the COAC's informal feedback on an updated draft of the operational guidance.

**Current Status:**

- The COAC may make formal recommendations regarding CBP's operational guidance for importers on the rebuttable presumption at the June 2022 COAC meeting.

**Next Steps:**

- CBP and the COAC will continue engagement on the UFLPA. However, work will transition to other forced labor matters once a new Statement of Work is complete.

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